

ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CV-94-000MN

\*\*\*\*\*  
BEGASHAW AYELE, PRO SE, \*  
Plaintiff, \*  
\*  
V \*  
\*  
\*

COGNISIA SECURITY COMPANY, INC., \*  
Defendant. \*  
\*\*\*\*\*

Deposition of BEGASHAW AYELE, taken  
on behalf of the Defendant, pursuant to Notice  
under the Federal Rules of Civil Procedure,  
before Janice A. Maggioli, RPR, RMR, CRR, and  
Notary Public in and for the Commonwealth of  
Massachusetts, at the offices of Duane Morris,  
470 Atlantic Avenue, Boston, Massachusetts, on  
April 25, 2005, commencing at 10:00 a.m.

MAGGIOLI REPORTING SERVICES, INC.  
48 Watson Street  
Braintree, Massachusetts 02184  
(781) 356-2636

1 I hereby certify that I have read the  
2 foregoing deposition transcript of my  
3 testimony, and further certify that said  
4 transcript is a true and accurate record of  
5 said testimony.

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BEGASHAW AYELE

Signed under the pains and penalties of  
perjury this 25<sup>th</sup> day of May, 2005.

129 1 Q. Okay.  
 2 A. I simply was the last arrival.  
 3 Q. So you knew that there were other people  
 4 applying for the security job position,  
 5 correct?  
 6 A. There were many people in the area. I don't  
 7 know who apply what, but there were many  
 8 people, yes.  
 9 Q. Do you know if there were any applicants who  
 10 applied for the security job position after you  
 11 applied?  
 12 A. After I applied?  
 13 Q. Yes. Or were you the very last person that  
 14 day?  
 15 A. I don't remember, but the company in the  
 16 discovery process they told me they hired 300  
 17 people during that time.  
 18 Q. So it's safe to say that you were not the only  
 19 applicant, correct?  
 20 A. Yes, there may be many applicants, but my  
 21 question is not why I'm the only applicant, but  
 22 the question is why -- at least why I'm not  
 23 hired.  
 24 Q. When you applied for a position with

130 1 Q. 7 a.m. to 3 p.m., that would have been your  
 2 second --  
 3 A. The second choice, yes.  
 4 Q. But you were not available to work on an  
 5 overnight shift? You wouldn't have agreed to  
 6 that?  
 7 A. Overnight shift, no.  
 8 Q. And, in fact, didn't you tell Cognisia that you  
 9 needed public transportation?  
 10 A. Yeah, in the conversation I say public  
 11 transportation and maybe they may take a note,  
 12 but generally they know I have transportation  
 13 problems.  
 14 Q. When you went to fill out the paperwork at 5  
 15 Middlesex Avenue, Dr. Awake was there, correct?  
 16 A. Dr. Awake was there.  
 17 Q. Were there any other prospective candidates  
 18 there?  
 19 A. I have no idea.  
 20 Q. You don't remember?  
 21 A. I don't remember particular people, but Dr.  
 22 Awake and me, we were in that office --  
 23 Q. There was no one else in the office? There was  
 24 just the two of you in an office?

131 1 Cognisia -- sorry.  
 2 When you applied for a position  
 3 with Cognisia, were you seeking to be placed at  
 4 a certain location?  
 5 A. I don't care if particular location as far as  
 6 if there is public transportation access.  
 7 Q. Public transportation was important to you,  
 8 correct?  
 9 A. Yes.  
 10 Q. What time does public transportation close in  
 11 the Boston area?  
 12 A. If you take a train, I think midnight.  
 13 Q. So you needed --  
 14 A. Midnight close to 12:50, so close to 1 o'clock.  
 15 Q. So you wanted to be out of work by 11 p.m.; is  
 16 that correct?  
 17 A. If possible, not to miss the train.  
 18 Q. Not to miss the train; otherwise, you wouldn't  
 19 have accepted a position that worked past the  
 20 train schedule; is that correct?  
 21 A. Not necessarily. My choice usually is 3 to 11  
 22 or as a second choice 7 to 3, but taking 7 to 3  
 23 usually doesn't help you much because you  
 24 cannot do any other things daytime.

132 1 A. Jennifer was there. Nicole was in the other  
 2 door.  
 3 Q. Anyone else?  
 4 A. And people -- some people whom I don't know,  
 5 maybe office staff, I don't know, but there  
 6 were people.  
 7 Q. Do you recall receiving a job description for  
 8 the security officer position?  
 9 A. From where?  
 10 Q. From Cognisia.  
 11 A. No.  
 12 Q. You never received a job description?  
 13 A. No.  
 14 MS. ROBERTS: Can you mark this  
 15 as the next exhibit?  
 16 (Exhibit 6, Job description,  
 17 marked for identification.)  
 18 Q. Mr. Ayele, I'm placing before you what's been  
 19 marked Exhibit 6 to your deposition titled "Job  
 20 Description Job Title Security Officer." Were  
 21 you ever given this document in connection with  
 22 your application?  
 23 A. I don't remember. Maybe -- this may be part of  
 24 the document produced later. Even if this

1 Q. Listen, listen. I don't want to hear speeches.  
 2 If you have seen this document before, please  
 3 tell me.  
 4 A. I don't remember.  
 5 Q. You may have received it. You just don't know?  
 6 A. Yeah, I don't know.  
 7 Q. If you could turn to page 2 of Exhibit No. 3  
 8 titled "Commercial Employment Application,"  
 9 this is the document that you filled out on  
 10 November 20th; is that correct?  
 11 A. Uh-huh.  
 12 Q. Yes?  
 13 A. Yes.  
 14 Q. Do you see your signature at the bottom --  
 15 A. No, December 10.  
 16 Q. Excuse me, December 10th?  
 17 A. Yes.  
 18 Q. You signed this on December 10th each page?  
 19 A. Yes. This is include all of the discrepancy  
 20 with the dates.  
 21 Q. Right. We've discussed those at length.  
 22 Have you ever served in the  
 23 military, Mr. Ayele?  
 24

2 Also, I put in bracket approximate because I  
 3 don't know.  
 4 Q. And you signed that at your second meeting with  
 5 Cognisia on December 12th; is that correct?  
 6 A. Yes.  
 7 MS. ROBERTS: Can you mark that  
 8 as the next exhibit?  
 9 (Exhibit 8, Employment/Transcript  
 10 Inquiry, marked for identification.)  
 11 Q. Mr. Ayele, I'm placing before you what's been  
 12 marked as Exhibit No. 8 to your deposition,  
 13 "Employment Transcript Inquiry." Have you seen  
 14 that document before?  
 15 A. Yes. So what's the question again?  
 16 Q. Have you seen that document before?  
 17 A. My signature is December --  
 18 Q. And you signed that on December 10th?  
 19 A. Yes.  
 20 Q. Thank you.  
 21 MS. ROBERTS: Mark this as the  
 22 next exhibit.  
 23 (Exhibit 9, Disclosure and Authorization,  
 24 marked for identification.)

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1 A. No.  
 2 Q. Who gave you this commercial employment  
 3 application to fill out?  
 4 A. The only thing I can know is by the date. If  
 5 it's December 10, it should be Jennifer. If  
 6 it's November 20, it should be Nicole because  
 7 Nicole, she came there. Can I go to the  
 8 bathroom?  
 9 Q. Of course you may. Let's take a break.  
 10 (Short break was taken.)  
 11 (Exhibit 9, Residence listing,  
 12 marked for identification.)  
 13 Q. Mr. Ayele, I'm placing before you what's been  
 14 marked Exhibit 7 to your deposition titled  
 15 "Applicant Residence Listing." Have you seen  
 16 that document before?  
 17 A. This is what we discussed. The resident time I  
 18 put is wrong because I told you I don't have  
 19 the record. I just happened to be there by  
 20 coincident and I fill out -- I don't have that  
 21 document I gave you, the resident --  
 22 Q. Exhibit No. -- you didn't have Exhibit No. 4  
 23 with you?  
 24 A. Yeah. At that time I don't have it. Just it

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1 Q. I've placed before you what's been marked as  
 2 Exhibit No. 9 to your deposition, "Consumer  
 3 Report Disclosure and Authorization;" do you  
 4 see that document?  
 5 A. Yes.  
 6 Q. Did you sign that document on or about December  
 7 10, 2003?  
 8 A. Yeah.  
 9 Q. Yes?  
 10 A. Yes.  
 11 MS. ROBERTS: Could you mark  
 12 this as the next exhibit?  
 13 (Exhibit 10, Employment Agreement,  
 14 marked for identification.)  
 15 Q. Mr. Ayele, I've placed before you what's been  
 16 marked as Exhibit No. 10 to your deposition  
 17 titled Employment Agreement Regarding Drug and  
 18 Alcohol Policy and Related Drug and Alcohol  
 19 Screening;" do you see that document before  
 20 you?  
 21 A. Okay, yes.  
 22 Q. Yes?  
 23 A. Yes.  
 24 Q. Is that your signature appearing on page 2?